

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 21, 2009
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JASON R. BURTO
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
ATTORNEY JAMES BURROWS**

The City Manager presented the following reports to Council:

- 1 - Grant of Easement Between the City of Watertown and Niagara Mohawk Power Corporation, Gas Service Lateral, 521 Newell Street
- 2 - Accepting Bid for Purchase of 4x4 Utility Vehicle, Bobcat of Watertown
- 3 - Supplemental Appropriation No. 2 For Fiscal Year 2008-09 for Various Accounts
- 4 - Authorizing Public Sale of City Owned Property
- 5 - Approving the Agreement with New York State Housing Trust Fund Corporation for a 2009 Small Cities Community Development Block Grant
- 6- Adopting Revised Guidelines and Administrative Procedures for the Home Repair Program
- 7 - Authorizing Submission of an Application for Fiscal Year 2010 Brownfields Cleanup Grant, Ogilvie Site and 136 North Pleasant Street
- 8 - Authorizing Acceptance of Arsenal Street Reconstruction Project, PIN 7015.04
- 9 - Authorizing Acceptance of grant Under the American Recovery and Reinvestment Act of 2009, Paratransit Vehicles
- 10- Public Hearing – Approving Special Use Permit Request Submitted by Charles and Lynne Bates to Allow a Tattoo and Body Art Parlor at 125 J.B. Wise Place, Parcel No. 7-01-104.000
- 11- Tabled - Approving Site Plan for the construction of a 6,000 sq. ft. restaurant, a 52,601 sq. ft. hotel, and a 57,190 sq. ft. hotel located at VL-1 Gaffney Drive, Parcel No. 8-40-101.007
- 12- Laid Over Under the Rules – An Ordinance Amending the Ordinance dated November 17, 2008, Authorizing the Issuance of \$75,000 bonds of the City of Watertown, Jefferson County, New York, to Pay the Design Costs for Relining of a Portion of the North Side Trunk Sewer Main, to increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$415,000 and to Provide for the Design and Construction Costs
- 13- Sales Tax Revenue Update – August 2009

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 8, 2009, and the adjourned meeting of September 14, 2009, was dispensed with and accepted as written by motion of Council Member Smith, seconded by Council Member Burns and carried with all voting in favor thereof.

COMMUNICATIONS

The following claims against the City were received:

- 1- From Robin D. Adams regarding an injury she sustained when she fell on the sidewalk at 124 Franklin Street.
- 2- From Phil Hofferberth and Desirae Talbot, for damage to their car when they hit a water pipe cover on Arsenal Street.
- 3- Subrogation claim received from Traveler's Insurance concerning a claim filed by Awanda Mills.

ABOVE CLAIMS REFERRED TO THE BOARD OF AUDIT

INTRODUCTIONS

Mrs. Corriveau and Council honored 24 employees who reached significant years of service with the City of Watertown. Ten employees were present to receive certificates.

PRIVILEGE OF THE FLOOR

Wayne Zimmer, Katherine Street, addressed the chair regarding funds spent on a walkway in the City and that the money should have been spent on a local engineering firm rather than one from another area.

PUBLIC HEARING

AT 7:30 THE MAYOR ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING FOR APPROVAL OF SPECIAL USE PERMIT REQUEST SUBMITTED BY CHARLES AND LYNNE BATES TO ALLOW A TATTOO AND BODY ART PARLOR AT 125 J.B. WISE PLACE, PARCEL NO. 7-01-104.000

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN AT 7:30 P.M.

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED AT 7:31 P.M.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown desires to have a gas service lateral installed to its snow plow shed at 521 Newell Street, and

WHEREAS in order to install the service lateral Niagara Mohawk will need to cross City owned property, and

WHEREAS Niagara Mohawk and the City have agreed to the location of the lateral, and the City wishes to grant an easement to Niagara Mohawk so that the lateral may be constructed, repaired, maintained and inspected by Niagara Mohawk,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant of Easement Agreement between the City of Watertown and Niagara Mohawk Power Corporation, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Grant of Easement Agreement on behalf of the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEAS.

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of a new and unused 4x4 Utility Vehicle for use by the City's Department of Public Works, and

WHEREAS invitations to bid were issued to six (6) prospective bidders, with a total of two (2) bids being received, and

WHEREAS on Monday, September 14, 2009, at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with Gene Hayes, Superintendent of Public Works, and it is their recommendation that the City Council accept the bid from Bobcat of Watertown, 23150 NYS Route 12, Watertown, New York, in the amount of \$41,885.73 as the lowest bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid for the purchase of a new and unused 4x4 Utility Vehicle submitted by Bobcat of Watertown in the amount of \$41,885.73 as the lowest qualifying bidder meeting City specifications.

SECONDED BY MAYOR JEFFREY E. GRAHAM AND CARRIED WITH ALL VOTING YEAS.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

RESOLVED by the City Council of the City of Watertown, New York that the total amount of \$405,975 is hereby transferred and appropriated from and to the following accounts of the listed funds for FY 2008-09 for the reasons shown:

<u>GENERAL FUND</u>				<u>Increase</u>	
A	1230	450	MUNICIPAL EXECUTIVE	Miscellaneous	\$ 350 Under appropriated
A	1355	440	ASSESSMENT	Fees, Non-employee	\$ 700 Under appropriated
A	1410	110	CLERK	Salaries	\$ 8,125 To correct supplemental appropriation #1
A	1410	830	CLERK	Social Security	\$ 525 To correct supplemental appropriation #1
A	1420	440	LAW	Fees, Non-employee	\$ 7,525 To correct supplemental appropriation #1
A	1440	110	ENGINEERING	Salaries	\$ 41,550 Reclassed from A1440.130
A	1490	120	PUBLIC WORKS ADMIN.	Clerical	\$ 1,650 Under appropriated
A	1490	150	PUBLIC WORKS ADMIN.	Overtime	\$ 125 No original appropriation
A	1490	455	PUBLIC WORKS ADMIN.	Vehicle Expense	\$ 100 Under appropriated
A	1490	830	PUBLIC WORKS ADMIN.	Social Security	\$ 100 To correct supplemental appropriation #1
A	1620	130	MUNICIPAL BUILDINGS	Wages	\$ 100 Under appropriated
A	1620	460	MUNICIPAL BUILDINGS	Materials and Supplies	\$ 900 Under appropriated
A	1640	455	CENTRAL GARAGE	Vehicle Expense	\$ 425 Under appropriated
A	1670	460	CENTRAL PRINTING & MAILING	Materials and Supplies	\$ 825 Under appropriated
A	1680	410	INFORMATION TECHNOLOGY	Utilities	\$ 700 Under appropriated
A	1680	440	INFORMATION TECHNOLOGY	Fees, Non-employee	\$ 700 Under appropriated
A	3120	110	POLICE	Salaries	\$ 4,675 To correct supplemental appropriation #1
A	3120	140	POLICE	Temporary	\$ 1,150 Under appropriated
A	3120	180	POLICE	Roll Call Pay	\$ 300 Under appropriated
A	3120	430	POLICE	Contracted Services	\$ 28,500 Under appropriated
A	3120	440	POLICE	Fees, Non-employee	\$ 1,675 Under appropriated
A	3410	410	FIRE	Utilities	\$ 3,450 Under appropriated
A	3410	465	FIRE	Equipment < \$5,000	\$ 37,700 Grant equipment
A	3410	840	FIRE	Workers' Compensation	\$ 2,250 To correct supplemental appropriation #1
A	3620	140	CODE ENFORCEMENT	Temporary	\$ 150 No original appropriation
A	3620	170	CODE ENFORCEMENT	Out of Code	\$ 375 No original appropriation
A	5010	150	MUNICIPAL MAINTENANCE	Overtime	\$ 175 Under appropriated
A	5010	455	MUNICIPAL MAINTENANCE	Vehicle Expense	\$ 5,050 Under appropriated
A	5010	850	MUNICIPAL MAINTENANCE	Health Insurance	\$ 1,125 To correct supplemental appropriation #1
A	5110	140	MAINTENANCE OF ROADS	Temporary	\$ 1,525 To correct supplemental appropriation #1
A	5110	460	MAINTENANCE OF ROADS	Materials and Supplies	\$ 10,600 Under appropriated
A	5142	410	SNOW REMOVAL	Utilities	\$ 100 Under appropriated
A	5142	430	SNOW REMOVAL	Contracted Services	\$ 750 Under appropriated
A	5142	455	SNOW REMOVAL	Vehicle Expense	\$ 7,550 Under appropriated-engine repair
A	5184	430	HYDROELECTRIC PRODUCTION	Contracted Services	\$ 1,200 Under appropriated
A	5186	140	TRAFFIC CONTROL & LIGHTING	Temporary	\$ 775 Under appropriated
A	5630	150	BUS	Overtime	\$ 100 Under appropriated
A	5630	250	BUS	Other Equipment	\$ 18,975 Grant equipment
A	5630	460	BUS	Materials and Supplies	\$ 100 Under appropriated
A	5630	465	BUS	Equipment < \$5,000	\$ 31,900 Grant equipment

A	5650	430	CITY PARKING FACILITIES	Contracted Services	\$ 12,200	Arsenal St parking garage repair
A	7020	150	RECREATION ADMINISTRATION	Overtime	\$ 725	Under appropriated
A	7020	810	RECREATION ADMINISTRATION	NYS Retirement	\$ 425	Under appropriated
A	7110	130	THOMPSON PARK	Wages	\$ 100	Under appropriated
A	7110	150	THOMPSON PARK	Overtime	\$ 150	To correct supplemental appropriation #1
A	7110	410	THOMPSON PARK	Utilities	\$ 2,725	Under appropriated
A	7110	455	THOMPSON PARK	Vehicle Expense	\$ 750	Under appropriated
A	7110	460	THOMPSON PARK	Materials and Supplies	\$ 2,600	Under appropriated
A	7110	810	THOMPSON PARK	NYS Retirement	\$ 525	Under appropriated
A	7141	450	FAIRGROUNDS	Miscellaneous	\$ 100	Under appropriated
A	7141	460	FAIRGROUNDS	Materials and Supplies	\$ 11,500	Under appropriated
A	7143	455	ATHLETIC PROGRAMS	Vehicle Expense	\$ 2,025	To correct supplemental appropriation #1
A	7143	460	ATHLETIC PROGRAMS	Materials and Supplies	\$ 1,800	Under appropriated
A	7180	460	SWIMMING POOLS	Materials and Supplies	\$ 12,625	Under appropriated
A	7265	810	ICE ARENA	NYS Retirement	\$ 475	Under appropriated
A	7265	840	ICE ARENA	Workers' Compensation	\$ 200	Under appropriated
A	8140	140	STORM SEWER	Temporary	\$ 2,350	To correct supplemental appropriation #1
A	8140	465	STORM SEWER	Equipment < \$5,000	\$ 200	Under appropriated
A	8140	810	STORM SEWER	NYS Retirement	\$ 750	Under appropriated
A	8140	840	STORM SEWER	Workers' Compensation	\$ 2,900	Under appropriated
A	8160	140	REFUSE AND RECYCLE	Temporary	\$ 100	No original appropriation
A	8160	150	REFUSE AND RECYCLE	Overtime	\$ 325	Under appropriated
A	8160	455	REFUSE AND RECYCLE	Vehicle Expense	\$ 1,200	To correct supplemental appropriation #1
A	8160	840	REFUSE AND RECYCLE	Workers' Compensation	\$ 3,000	Under appropriated
A	9050	800	OTHER EXPENSES	Unemployment Insurance	\$ 1,900	Under appropriated
A	9060	800.9087	OTHER EXPENSES	Health Ins. - Retirees	\$ 2,200	Under appropriated
A	9070	800	OTHER EXPENSES	Compensated Absences	\$ 27,100	No original appropriation
A	9950	900	OTHER EXPENSES	Capital Fund Transfer	\$ 24,500	Underappropriated - sidewalk program
TOTAL					<u>\$ 340,000</u>	

					<u>Decrease</u>	
A	1364	430	PROPERTY ACQUIRED	Contracted Services	\$ (18,000)	
A	1440	130	ENGINEERING	Wages	\$ (45,750)	
A	1990	430	CONTINGENCY	Contracted Services	\$ (67,250)	
A	3120	130	POLICE	Wages	\$ (22,500)	
A	3120	150	POLICE	Overtime	\$ (27,500)	
A	5110	430	MAINTENANCE OF ROADS	Contracted Services	\$ (45,000)	
A	5110	455	MAINTENANCE OF ROADS	Vehicle Expense	\$ (30,000)	
A	5184	465	HYDROELECTRIC PRODUCTION	Equipment < \$5,000	\$ (12,000)	
A	5186	410	TRAFFIC CONTROL & LIGHTING	Utilities	\$ (50,000)	
A	5630	455	BUS	Vehicle Expense	\$ (15,000)	
A	8020	430	PLANNING	Contracted Services	\$ (7,000)	
TOTAL					<u>\$ (340,000)</u>	

Water Fund					<u>Increase</u>	
F	8310	460	WATER ADMINISTRATION	Materials and Supplies	\$ 350	Under appropriated
F	8310	840	WATER ADMINISTRATION	Workers' Compensation	\$ 250	No original appropriation
F	8330	110	WATER PURIFICATION	Salaries	\$ 1,300	Under appropriated
F	8330	130	WATER PURIFICATION	Wages	\$ 1,000	To correct supplemental appropriation #1
F	8330	150	WATER PURIFICATION	Overtime	\$ 325	Under appropriated
F	8330	440	WATER PURIFICATION	Fees, Non-employee	\$ 550	Under appropriated
F	8330	830	WATER PURIFICATION	Social Security	\$ 225	Under appropriated
F	8340	250	TRANSMISSION & DISTRIBUTION	Other Equipment	\$ 725	Under appropriated
F	8340	410	TRANSMISSION & DISTRIBUTION	Utilities	\$ 600	Under appropriated
F	9070	800	OTHER EXPENSES	Compensated Absences	\$ 12,100	Under appropriated
F	9710	700	OTHER EXPENSES	Serial Bonds - Interest	\$ 2,700	Under appropriated
TOTAL					<u>\$ 20,125</u>	

					<u>Decrease</u>	
F	8330	460	WATER PURIFICATION	Materials and Supplies	\$ (10,125)	
F	8330	465	WATER PURIFICATION	Equipment < \$5,000	\$ (5,000)	

F	8340	465	TRANSMISSION & DISTRIBUTION	Equipment < \$5,000	\$ (5,000)	
	TOTAL				<u>\$ (20,125)</u>	

Sewer Fund					<u>Increase</u>	
G	8110	840	SEWER ADMINISTRATION	Workers' Compensation	\$ 250	No original appropriation
G	8120	410	SANITARY SEWER	Utilities	\$ 100	Under appropriated
G	8130	250	SEWAGE TREATMENT	Other Equipment	\$ 7,700	Under appropriated
G	8130	830	SEWAGE TREATMENT	Social Security	\$ 200	Under appropriated
G	9060	800.9087	OTHER EXPENSES	Health Ins. - Retirees	\$ 18,100	Under appropriated
G	9070	800	OTHER EXPENSES	Compensated Absences	\$ 200	No original appropriation
G	9710	700	OTHER EXPENSES	Serial Bonds - Interest	\$ 2,600	Under appropriated
	TOTAL				<u>\$ 29,150</u>	

					<u>Decrease</u>	
G	8130	230	SEWAGE TREATMENT	Motor Vehicles	\$ (5,000)	
G	8130	460	SEWAGE TREATMENT	Materials and Supplies	\$ (24,150)	
	TOTAL				<u>\$ (29,150)</u>	

Library Fund					<u>Increase</u>	
L	7410	110	LIBRARY	Salaries	\$ 100	Under appropriated
L	7410	410	LIBRARY	Utilities	\$ 700	Under appropriated
L	7410	430	LIBRARY	Contracted Services	\$ 5,200	Under appropriated - roof repair
L	7410	465	LIBRARY	Equipment < \$5,000	\$ 8,625	Reclassified appropriation from L7410.0210
	Total				<u>\$ 14,625</u>	

					<u>Decrease</u>	
L	7410	150	LIBRARY	Overtime	\$ (450)	
L	7410	210	LIBRARY	Furniture and Furnishings	\$ (4,500)	
L	7410	250	LIBRARY	Other Equipment	\$ (375)	
L	7410	420	LIBRARY	Insurance	\$ (700)	
L	7410	440	LIBRARY	Fees, Non-employee	\$ (100)	
L	7410	450	LIBRARY	Miscellaneous	\$ (750)	
L	7410	460	LIBRARY	Materials and Supplies	\$ (425)	
L	7410	810	LIBRARY	NYS Retirement	\$ (3,775)	
L	9780	700	OTHER EXPENSES	Loan - Interest	\$ (650)	
L	9950	900	OTHER EXPENSES	Transfer to Capital	\$ (2,900)	
	Total				<u>\$ (14,625)</u>	

Self-Funded Health Insurance Fund					<u>Increase</u>	
MS	1711	150	SELF FUNDED HEALTH INS.	Overtime	\$ 675	No original appropriation
MS	1711	450	SELF FUNDED HEALTH INS.	Miscellaneous	\$ 200	No original appropriation
MS	1711	810	SELF FUNDED HEALTH INS.	Retirement	\$ 1,200	Under appropriated
					<u>\$ 2,075</u>	

					<u>Decrease</u>	
MS	1711	110	SELF FUNDED HEALTH INS.	Salaries	\$ (675)	
MS	9060	430.0020	SELF FUNDED HEALTH INS.	Non-pharmacy Claims	\$ (1,400)	
					<u>\$ (2,075)</u>	

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and

designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
1-10-124.000	89 Alexandria Avenue
1-10-125.000	90-93 Alexandria Avenue
1-10-307.000	100 Alexandria Avenue
1-10-308.000	101 Alexandria Avenue
1-10-310.000	103 Alexandria Avenue
8-05-104.002	VL-6 Arsenal Street
3-06-404.000	M30 Charles Street
3-06-403.000	M32 Charles Street
3-06-405.000	M31 Cleveland Street
8-34-218.000	335 Clover Street
7-03-301.000	220 Coffeen Street
11-12-130.001	VL Flower Avenue East
12-26-103.000	VL-7 Gotham Street
11-02-107.000	329 Gotham Street
8-34-220.000	333 Kendall Avenue North
8-34-219.000	334 Kendall Avenue North
4-27-403.000	119 Marble Street
4-27-402.000	119 Marble Street
9-02-106.000	320 Meadow Street South
4-19-907.000	7 Pearl Street
4-19-908.000	8 Pearl Street
4-19-610.000	814 Pearl Street
5-12-225.000	43 Pennsylvania Avenue
5-12-226.000	44 Pennsylvania Avenue
5-12-227.000	45 Pennsylvania Avenue
5-12-228.000	46 Pennsylvania Avenue
7-11-216.000	111 Rear Scio Street
3-06-406.000	33 Bk 11 Stuart Street
3-06-407.000	35 Stuart Street
3-09-101.000	36 Stuart Street
7-07-306.000	312 Waltham Street
1-24-202.000	59 Woodley Street
1-24-201.000	60 Woodley Street

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 14th day of October, 2009, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to offer for said parcels subject to the rights of the said City Council to reject any and all bids, and

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be offered for sale for cash only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

Council Member Smith inquired why the 122 Ten Eyck property was removed from the list.

Mayor Graham noted that Council would have to amend the resolution to add it. He also said that the City participates in in-fill housing programs and that he hopes to continue that concept with this property. Mayor Graham said that both DANC and Watertown Trust support the idea and will work to maintain the continuity of the street.

Council Member Smith replied that he has no problem with that and stated he was not aware of such renewed interest in the property.

Council Member Butler inquired if this was looked at before.

Mayor Graham said it was brought up in the past and that there was some concern with the house fitting in with the character of the neighborhood. He noted that DANC understands this and that plenty of assurances have been given to keep the style consistent.

Council Member Butler asked if there was interest from anyone else.

James Mills, City Comptroller, replied that there were inquiries by phone but nothing in writing.

Council Member Burns commented that the house to the right of this property is for sale and looks like an apartment building.

Mrs. Corriveau replied that perhaps it was grandfathered in.

Mayor Graham noted that this neighboring house had had piping stolen from it and he believed it is a single family dwelling.

Council Member Burns stated that she will vote for this resolution as is to get the Ten Eyck property back on the tax roles and is glad DANC is willing to take this project on.

Council Member Smith said he concurred and hopes DANC is sensitive to the character of the neighborhood.

Mrs. Corriveau noted that the property at 814 Pearl Street has mold in it as a result of a hole in the roof of the dwelling.

Mayor Graham questioned if the property would be bought for the purpose of demolition as there is also a zoning issue involved.

Council Member Burns asked about the location of 329 Gotham Street.

Mayor Graham replied that it is behind the property of the apartment building, which is on the corner of Academy and Gotham Streets.

Mr. Mills told Council that the Saturday before the auction is when the open houses are held for the properties up for sale. He also reviewed the rules of the sale of City owned properties.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION WITH ALL VOTING IN FAVOR THEREOF.**

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS by resolution adopted April 6, 2009, the City Council authorized an application to the Community Development Block Grant Small Cities Program to secure funding for the rehabilitation of existing substandard apartments throughout the City and creation of new apartments on the upper floors of commercial buildings in the downtown area, and

WHEREAS by letter dated August 27, 2009, the City was notified that its application was funded in the amount of \$400,000.00, and

WHEREAS it is necessary to enter into a formal agreement between the City of Watertown and the New York State Housing Trust Fund Corporation, represented by the Office of Community Renewal, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Small Cities Community Development Block Grant Agreement between the City of Watertown and the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the 2009 Small Cities Community Development Block Grant in the amount of \$400,000.00, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Agreement and any other certifications or documents required to accept the grant and administer the program.

SECONDED BY JEFFREY M. SMITH

Council Member Butler inquired about the guidelines of this program.

Kenneth Mix, Planning Coordinator, replied that the program is administered through the Neighbors of Watertown to serve the population that is eligible for this type of service. He noted that the response from downtown business owners has been very positive.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS a grant has been received from the North Country HOME Consortium using Federal funds from the United State Department of Housing and Urban Development (HUD) under the Home Investment Partnerships Program to implement a citywide rehabilitation program for owner occupied 1-4 family properties, and

WHEREAS the City has agreed to administer the program in compliance with rules and regulations established by HUD and published in the Code of Federal Regulations at 24 CFR Part 570, and

WHEREAS local guidelines and procedures were developed for a similar program in 2006 and adopted by the City Council at its regular meeting on December 4, 2006, and

WHEREAS those guidelines and procedures were revised when additional funding was received in 2008 and adopted by the City Council at its regular meeting on November 17, 2008, and

WHEREAS revisions have been made to the guidelines and procedures to reflect changes in the program that are required by the funding agency, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the proposed Revisions to the Guidelines and Procedures for the local Home Repair Program are hereby adopted and shall become effective immediately for all rehabilitation activities conducted with HOME Funding from the North Country HOME Consortium in the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

Council Member Butler asked if elderly residents of a fixed income are eligible for this and if it is a well-used program.

Mrs. Corriveau replied that it depends on their income.

Mr. Mix said that there are waiting lists and that there is no problem using the money available.

Council Member Butler asked if the funds were unlimited.

Mr. Mix noted that the amount available for each unit has increased to \$25,000 and will be spent until funds are exhausted.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Federal funding is available through the Environmental Protection Agency to support clean up of brownfield sites that are owned by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2010 competition under the Brownfields Cleanup Grants program, and

WHEREAS it has been determined that such funding should be used for the remedial cleanup of the parcels located 148 North Pleasant Street (Ogilvie Site) and 136 North Pleasant Street, and

WHEREAS a public meeting is scheduled to be held on October 1, 2009 for the public to review and make comments on the draft proposal of the Brownfields Cleanup Grant,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized to sign and submit an application for Brownfields Cleanup Grant funding for consideration by the Environmental Protection Agency, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is authorized to sign all agreements, certifications and other documents required to complete the application, accept the grant and administer the program proposed in the grant application

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Mrs. Corriveau told Council that the City has to take title in advance of applying for this grant as there was a change in the grant requirement.

Jackie Longton, Planner, addressed Council regarding the site at 136 North Pleasant Street. She noted that the petroleum spill site is 930 cubic yards and one grant would be enough to clean it up to a residential standard. She also said that the City would have ownership of this site so it would have a say as to what is developed there.

Mayor Graham asked what portion of this site is tied up with the spill.

Ms. Longton replied that just a small portion of the entire site is affected.

Mayor Graham commented that he is in favor of moving ahead.

Council Member Butler stated his concern saying that there is a lot of risk involved with this and that he was unsure of how viable the site would be.

Ms. Longton noted that a signoff is included with the property deed. She told Council that she saw several examples of successful cleanup sites while in Detroit, MI.

Council Member Butler asked if there are any local examples.

Ms. Longton referred to the Frink site in Clayton, which was done to a higher standard. She noted that it is a mixed use site with both residential and commercial uses. Ms. Longton also said that Sewall's Island will be cleaned up to residential levels.

Mayor Graham questioned why all the stone was put there after the demolition, in reference to Sewall's Island.

Mrs. Corriveau replied that it was inexpensive.

Ms. Longton said that it also allows for quicker drainage.

Council Member Smith commented in reference to the North Pleasant Street site that it has been a problem for a while and that the City owes it to the neighbors to clean it up.

Mrs. Corriveau told Council that since the City does not own it, no one can look to the City to clean it.

Council Member Butler questioned how the City arrived at the total of \$200,000.

Mrs. Corriveau replied that is an estimate based on a report by GYMO.

Mr. Mix said there is also some inflation involved and some costs associated with the administering of the grant. He noted that the City plans on applying for the complete amount.

Council Member Butler asked who is the grant coordinator.

Ms. Longton replied that she is the coordinator.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL
MEMBER BUTLER VOTING NAY.**

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS by resolutions dated July 3, 2006 and September 5, 2006 the City Council agreed to guarantee the maintenance of portions of the New York State Department of Transportation's Arsenal Street Reconstruction Project, PIN 7015.04, upon its completion, and

WHEREAS the New York State Department of Transportation has formally requested that the City accept the reconstruction project, and

WHEREAS the City has undertaken the necessary onsite inspections of the project and find all aspects of it to be in line with specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the Arsenal Street Reconstruction Project, PIN 7015.04, as completed by the New York State Department of Transportation, and

BE IT FURTHER RESOLVED that City Manager, Mary M. Corriveau, is hereby authorized and directed to take any necessary steps to formalize acceptance of the project by the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown submitted a request for a grant of funds to the New York State Department of Transportation, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) for the purchase of two paratransit vehicles, and

WHEREAS the City of Watertown has been approved for a grant of funds by the New York Department of Transportation, pursuant to Section 5311, Title 49, United States Code and the American Recovery and Reinvestment Act of 2009 (ARRA) and, for the purchase of two paratransit vehicles, and

WHEREAS the City of Watertown and the State of New York are entering into an Agreement which authorizes the undertaking of the project and reimbursement to the municipality of 100% of the project cost through ARRA up to \$130,000, and

NOW THEREFORE BE IT RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to act on behalf of the City of Watertown to sign any and all agreements between the City of Watertown and the State of New York for the above named project, and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign any and all contracts or agreements between the City of Watertown and any third party subcontractor necessary to complete the public transportation project, and any and all Municipality/Vendor contracts for the purchase and/or installation of vehicles and/or equipment, subject to the approval of the municipal attorney.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA.

THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY CHARLES AND LYNNE BATES TO ALLOW A TATOO AND BODY ART PARLOR AT 125 J.B. WISE PLACE, PARCEL NO. 7-01-104.000 WAS PRESENTED TO COUNCIL(Introduced on September 8, 2009; public hearing held this evening; appears in its entirety on page 207 of the 2009 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER SMITH VOTING NAY.

Prior to the vote, Council Member Smith noted that the report contains a letter from the property manager but said he thought the property owner had to apply for the special use permit.

Attorney Burrows said that either the owner or an agent of the owner can apply. He also referred to Chapter 310 of the City Code which covers this issue.

Mr. Mix noted that the City Code includes a list of businesses that are allowed in a commercial district.

Council Member Butler asked if there were any local laws regulating tattoo parlors.

Mr. Mix replied that within the zoning ordinance a special use permit may be required. He noted that uses change over time and the categories may need to become more generalized to cover the various uses.

Attorney Burrows said that in some ways zoning is arbitrary because a special use permit offers review on a case by case basis.

Council began reviewing the SEQRA form and discussed item two, relating to changes in neighborhood character.

Council Member Smith questioned how one quantifies the change.

Attorney Burrows explained to Council how they could deliberate on the issue.

Council Member Smith noted that while he does not have anything against the activity, it could have potential to negatively affect the area.

Mayor Graham asked if the majority of Council feels negatively about the issue.

Council Member Butler said he concurred with Council Member Smith.

Council Member Burto stated that he does not feel that way and that it would be good for new business downtown.

Council Member Burns concurred with Council Member Burto.

MOTION WAS MADE BY COUNCIL MEMBER JEFFREY M. SMITH TO TAKE FROM THE TABLE THE RESOLUTION APPROVING THE SITE PLAN FOR CONSTRUCTION OF A 6,000 SQ. FT. RESTAURANT, A 52,601 SQ. FT. HOTEL, AND A 57,190 SQ. FT. HOTEL LOCATED AT VL-1 GAFFNEY DRIVE, PARCEL NO. 8-40-101.007. (Introduced on September 8, 2009, tabled; appears in its entirety on pages 206-207 of the 2009 Minutes Book)

MOTION WAS SECONDED BY MAYOR JEFFREY E. GRAHAM AND CARRIED WITH ALL VOTING YEAS.

Mrs. Corriveau told Council that staff is asking for the motions to be withdrawn.

COUNCIL MEMBER SMITH WITHDREW HIS INTRODUCTION.

COUNCIL MEMBER BUTLER WITHDREW HIS SECOND.

ORDINANCES

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS by ordinance dated November 17, 2008, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$75,000 bonds of said City to pay the design costs for the relining of a portion of the North Side Trunk Sewer Main, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, at an estimated maximum cost of \$75,000; and

WHEREAS no obligations have been issued pursuant to such bond ordinance;

WHEREAS the Council now wishes to provide financing for the design and construction of the aforesaid specific object or purpose and to increase the estimated maximum cost thereof from \$75,000 to \$415,000, an increase of \$340,000 over that previously authorized; NOW,

NOW THEREFORE BE IT ORDAINED by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The ordinance of this Council dated and duly adopted November 17, 2008, authorizing the issuance of \$75,000 bonds to pay the design costs for the relining of a portion of the North Side Trunk Sewer Main, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$415,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF RELINING OF A PORTION OF THE NORTH SIDE TRUNK SEWER MAIN. “. . . .

“Section 1. For the specific object or purpose of paying the costs of relining of a portion of the North Side Trunk Sewer Main, including design and construction costs and incidental expenses in connection therewith, there are hereby authorized to be issued \$415,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$415,000 and that the plan for the financing thereof is by the issuance of the \$415,000 bonds of said City authorized to be issued pursuant to this bond ordinance.”

“Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section B. The validity of such bonds and bond anticipation notes authorized by the ordinance dated and duly adopted November 17, 2008, as amended by this ordinance, may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

SECONDED BY MAYOR JEFFREY E. GRAHAM

Council Member Butler posed questions concerning the fund balance and sewer funds.

Mr. Mills replied that section 9A of general municipal law states that loans have to be paid back within the year it is given.

Council and staff discussed the topic of charging interest between the water and sewer accounts and the accompanying rates and interest costs over the life of the bond.

Council Member Smith questioned if the projected \$810,000 could buy down some of the debt.

Mr. Mills said he proposes to come before Council with a list of projects that he is bonding for.

Mrs. Corriveau referred to the five-year capital plan and said ten percent of the projects will be pay-as-you-go projects.

Council Member Butler questioned if there will be more debt at the end of five years.

Mrs. Corriveau replied that there will be but referenced the potential work to be done on Factory Street and that the sewer piece of the project is \$659,000. She added that if the City gets an "OK" from the State to do work, the City needs to be prepared to do the sewer work. Mrs. Corriveau commented that Mr. Hauk and Mr. Sligar traveled to Albany to take a look at a long term control plan.

Mr. Mills noted that he is unsure if a bond can be changed once a project has been started.

Mayor Graham asked if Council defeats this, how the City will pay for the project. He questioned if sewer rates would have to be increased.

Mrs. Corriveau replied that the resolution is written to protect the City in this type of situation.

Mayor Graham stated that if this ordinance is defeated, then the accompanying resolution is moot, but Council could ask for a new resolution to accept the bid.

Council Member Smith noted that we have approval to borrow up to the maximum amount but that we could ask for half of it now, then ask for more at a later date.

Mr. Mills said he would have to check with the bond attorney.

Mayor Graham noted that it is important to clear up questions.

Council Member Smith asked how many gallons flow through the trunk sewer now.

Mr. Hauk replied that 500,000 gallons flow during peak flows and that it depends on how wet the season.

Council Member Smith questioned how much it costs to treat that amount of flow.

Mr. Hauk noted that there are fixed costs but the amount being treated is less.

Mrs. Corriveau stated that as much water will be taken out of the system as possible; which equals 500,000 of the 13 million gallons treated daily.

Council Member Smith suggested approving only a certain portion of the ordinance.

Council Member Butler remarked that the \$415,000 could be changed to \$215,000.

Council Member Smith concurred and said the City could bond for half of the maximum cost.

Mr. Mills replied that he is not sure what the legal wording would have to be for that scenario.

Mr. Burrows told Council that local finance law says certain things have to be in a bond ordinance such as the maximum amount.

Mrs. Corriveau agreed saying that that information is usually spelled out in a bond ordinance so there is a clear understanding.

Council Member Butler commented that Council was elected to spend the tax payer's money wisely and here that flexibility is lost if the City bonds for the full amount but actually spends less.

Mayor Graham suggested tabling this ordinance until some questions are cleared up or amending it and running the risk it may not pass.

Mr. Mills noted that bond ordinances are not written "on the fly" to amend scenarios.

MOTION TO TABLE THE FOREGOING ORDINANCE WAS MADE BY COUNCIL MEMBER JOSEPH M. BUTLER JR., SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH, AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Downtown Banners

Council Member Burns asked for an update on the status of the downtown banners.

Mrs. Corriveau replied that the City received a mock banner and again it is too short. She said that the issue is now in the Attorney General's hands as the City is not the only customer involved.

Fountain Lights

Council Member Burns inquired if these have been fixed.

Mrs. Corriveau said they are working.

Library Fence

Council Member Burns questioned if the marble fence in front of the library has been repaired.

Mrs. Corriveau replied that it has been for several weeks and noted that DPW did all the work and did a great job.

Stop Light on Public Square

Council Member Burto questioned the position of a stop light on public square, heading in the direction of Mill Street.

Mr. Hauk noted that the heads can be adjusted.

Mayor Graham noted that the placement of the light is a design error and suggested placing a stop light head at the corner by the Baptist Church so drivers don't have to crane their necks to see the stop light.

Council Member Burto inquired about backing the light bar up so it is where the white line is currently.

Mr. Hauk replied that by doing that, traffic would be backed up into the previous light. He added that the intent was to get through one entire cycle with the new public square layout then assess possible changes.

Council Member Smith asked if the stop light bars can be rotated.

Mr. Hauk noted that if it is rotated it would be in the way of traffic coming from State Street.

Mayor Graham wondered if this would be done in the spring.

Mr. Hauk replied that it would be when the striping can be done.

Pump Station

Council Member Butler asked what the pump station can handle.

Mr. Hauk said that the City is still in the data gathering stage and that by spring things will be ready.

Council Member Butler referred to Mr. Donegan's letter and a full environmental assessment form.

Mr. Mix noted that the City has the form but a coordinated review must occur and that it can be sent to Council members.

Mr. Hauk noted that it is difficult to anticipate what is needed in that area and that there is no site plan yet on file for phase two of the development.

Mayor Graham questioned if the pump station can hold the flow for the short term.

Mr. Hauk replied that he would have to check the flow meter.

Council Member Butler voiced his concern with offering as much help as possible to Mr. Donegan.

Mrs. Corriveau said she told Mr. Donegan that the City would get back to him at the end of Fall and that the City is not delaying him from submitting a site plan.

Mr. Hauk added that there is no real proposal at this point.

Council Member Butler pointed out that Council concurred this is a priority to spur economic development.

Mrs. Corriveau remarked that staff is much further ahead than they were three months ago and is continuing to move forward even though Council may not be taking further steps at this point.

Council Member Butler asked if the City has communicated its efforts to Mr. Donegan.

Mrs. Corriveau replied that there was communication last week and that he is working on a site plan but there will be no construction until spring.

Mayor Graham reminded Council that in the past they had expressed willingness to consider eminent domain.

Tree on Corner of Elm Street

Council Member Butler said that a resident had contacted him regarding a large tree on the corner of Elm and Sherman Streets which obstructs the view of oncoming traffic while stopped at the stop sign on Elm.

Mrs. Corriveau replied that the City will take a look at it.

Letter From Dr. Kasulke

Council Member Butler referenced a letter from Dr. Kasulke (not on file with the City Clerk.)

Mrs. Corriveau noted to Council that there is a difference between a health officer and a public health officer.

Council Member Burns commented that she would be interested to know the difference.

Mrs. Corriveau said she raised the same question with Attorney Slye.

Mayor Graham stated that Dr. Kasulke needs to be aware of what is going on in Council discussion.

Council Member Smith inquired if there have been attempts to contact him because his letter questions why he was not contacted by the City.

Mrs. Corriveau said the City has contacted him via phone and several messages were left. She also noted that Mr. McWayne has spoken with Dr. Kasulke. In addition, she stated, outreach was done at the point in time when staff was directed to issue an RFP.

Lights on the Flag Pole

Council Member Smith inquired if these are fixed.

Mrs. Corriveau replied that they are repaired.

Curbing on Barben Avenue

Council Member Smith asked if there will be curbing put down on Barben Avenue.

Eugene Hayes, Superintendent of DPW, replied that there will be no curbing done at this point because Barben is to be reconstructed within the next five years.

Mill Street Sewer Line

Council Member Smith asked about this project.

Mr. Hayes said work will commence in that area when the work on Arsenal Street is completed.

Kostyck Field

Mrs. Corriveau told Council that lighting has been installed on that field.

Empire Zone

Mrs. Corriveau said that the Empire Zone program will be ending as it currently exists in June 2010 and the final day for applications is December 31, 2009. She referred to a memo from Brian Phelps, City Assessor, regarding the 485E form (not on file with the City Clerk.) Mrs. Corriveau added that the program could be remade into something different.

Bulk Ice Time Agreement – Draft

Mrs. Corriveau gave Council copies of the draft of the Bulk Ice Time Agreement (presently not on file with the City Clerk) which has not yet been presented to the hockey association. She noted that it is a document for Council to review so an ordinance can be drafted to allow Council to enter into such an agreement.

Mayor Graham asked if this was prepared in-house.

Mrs. Corriveau replied that there was some conversation with the hockey association but it was compiled in-house.

Mayor Graham voiced concern that no one is being denied ice time.

Mrs. Corriveau noted that the agreement does allocate ice time they did not have in the past.

Letters to Syracuse University Lacrosse Players

Mrs. Corriveau told Council that letters will be sent to the SU Lacrosse players regarding presentations of certificates. She noted that Council is invited to attend the event.

Vacation

Mrs. Corriveau said she will not be here for the October 5, 2009, meeting as she will be on vacation.

Mayor Graham noted it would be a good idea to meet next Monday.

Council agreed to adjourn the meeting to September 28, 2009, at 7 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:20 P.M. UNTIL 7:00 P.M. ON MONDAY, SEPTEMBER 28, 2009, BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA.

Amanda C. Lewis
Deputy City Clerk